

**MINUTES OF THE
HAZARDOUS WASTE REGULATION AND TAX POLICY TASK FORCE**

Tuesday, November 18, 2003 – 8:00 a.m. – Room 129 State Capitol

Members Present:

Sen. Curtis S. Bramble, Senate Chair
Rep. Stephen H. Urquhart, House Chair
Sen. Ron Allen
Sen. Patrice Arent
Sen. Beverly Ann Evans
Sen. Greg S. Bell
Sen. Lyle W. Hillyard
Sen. Scott K. Jenkins
Rep. Eli H. Anderson
Rep. Roger E. Barrus
Rep. James A. Ferrin

Rep. David L. Hogue
Rep. Bradley T. Johnson
Rep. Patricia W. Jones
Rep. Joseph G. Murray
Rep. Merlynn T. Newbold

Staff Present:

Mr. J Brian Allred, Policy Analyst
Mr. Bryant R. Howe, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Tracey Fredman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://le.utah.gov> or by contacting the Task Force secretary at 538-1032.

1. Task Force Business

Chair Bramble called the meeting to order at 8:10 a.m.

MOTION: Rep. Hogue moved to approve the minutes of the October 14, 2003 meetings, with a correction made to Rep. Ferrin's comment under agenda item 2 to insert "ask." The motion passed unanimously with Sen. Hillyard and Sen. Jenkins absent for the vote.

2. Draft Legislation – "Hazardous Waste and Nonhazardous Solid Waste Fee and Tax Amendments"

Rep. Urquhart explained the proposed legislation.

MOTION: Sen. Evans moved to pass out the draft legislation "Hazardous Waste and Nonhazardous Solid Waste Fee and Tax Amendments" as a committee bill. The motion passed unanimously with Sen. Hillyard and Sen. Jenkins absent for the vote.

3. Waste Disposal – Regulatory Adequacy and Compliance

All of the speakers were sworn in by Mr. Allred prior to testifying to the Task Force:

Mr. Bill Sinclair, DEQ (Department of Environmental Quality), distributed and discussed responses to "Questions/Issues for DEQ Presentation" and responded to questions from the Task Force.

MOTION: Rep. Urquhart moved that the Task Force adopt the position that: (1) current DEQ regulatory requirements for the operation of waste facilities are adequate to provide effective

management of state environmental concerns and safeguard public health and quality of life; (2) waste facilities regulated by DEQ appear to be in substantial compliance with DEQ regulations; (3) DEQ is providing effective oversight and monitoring of waste facilities to ensure compliance; and (4) in order to implement legislative policies relating to waste management additional statutory requirements may be necessary.

Public Comment:

Ms. Claire Geddes, Utah Legislative Watch, said that DEQ (the Department of Environmental Quality) needs a full time regulator to monitor the ground water at Envirocare.

Mr. Dan Shrum, Ground Water Monitoring Program, said that in his opinion, the Department of Environmental Quality, the Division of Radiation Control, and the Division of Solid and Hazardous Waste provide adequate oversight.

Mr. Stan Harbuck, local businessman, encouraged the committee to vote in opposition to the motion.

Mr. Mark Ledoux, Envirocare, indicated that the transportation of radioactive waste has an excellent safety record.

Mr. Jason Groenewold, HEAL/FAIR (Families Against Incinerator Risk), spoke in opposition to the motion.

Mr. Ken Alkema, Vice-President, Compliance and Licensing, Envirocare, spoke in favor of the motion.

Ms. Ann Sworde Hansen, citizen, urged the Task Force members to vote against the motion as it was presented, and she supported the proposal for an independent expert to review DEQ waste regulation.

Mr. Michael Cowley, local businessman, commented that the EPA (Environmental Protection Agency) has said the regulation of Envirocare of Utah wasn't being done properly, and he recommended that the motion be voted down.

Linda Parsons, Green Party of Utah, requested that the motion be dismissed.

Eileen Green, citizen, said that questions presented to DEQ are not being answered, and she would like to see more independent oversight.

SUBSTITUTE MOTION: Rep. Hogue moved to amend Rep. Urquhart's motion to include that the Task Force engage an independent expert to review the adequacy of DEQ regulatory requirements, facility compliance, and DEQ oversight and monitoring of waste facilities. The substitute motion passed unanimously.

MOTION: Sen. Evans moved to recommend that if funding is provided, the Task Force receive a report from an independent expert by May 1, 2004. The motion passed unanimously.

Following discussion, the Task Force divided Rep. Urquhart's original motion into the following three motions:

MOTION: Rep. Urquhart moved to recommend that the Task Force adopt the position that current DEQ regulatory requirements for the operation of waste facilities are adequate to provide effective management of state environmental concerns and safeguard public health and quality of life. The motion failed with Sen. Evans, Rep. Barrus, Rep. Hogue, Rep. Johnson, and Rep. Urquhart voting in favor.

MOTION: Rep. Urquhart moved that the Task Force adopt the position that (1) waste facilities regulated by DEQ appear to be in substantial compliance with DEQ regulations; and (2) DEQ is providing effective oversight and monitoring of waste facilities to ensure compliance. The motion passed with Sen. Arent, Sen. Bell, Sen. Hillyard, and Rep. Jones voting in opposition.

MOTION: Rep. Urquhart moved that the Task Force adopt the position that in order to implement legislative policies relating to waste management, additional statutory requirements may be necessary. The motion passed unanimously.

4. Update on Fernald Uranium Mill Tailings

Rep. Urquhart proposed legislation which would say that legislative and gubernatorial approval would be required for Envirocare to receive hotter waste than what they are currently permitted to receive.

Committee discussion.

Mr. Sinclair introduced Dianne Nielson, Executive Director, DEQ, and Mr. Dane Finerfrock, Director of the Division of Radiation Control, DEQ.

Mr. Sinclair talked about the unique origins of the Fernald waste. He explained the proposals to stabilize the waste, to package it for shipment, and other related issues. Mr. Finerfrock presented and discussed a graph showing "Selected Waste Shipments to Envirocare (2002-2003)." Mr. Sinclair, Ms. Nielson, and Mr. Finerfrock responded to questions from the Task Force.

Mr. Tim Barney, Envirocare, stated that Envirocare intends to follow state law.

Mr. Ty Rogers, Envirocare, explained that the classifications of low level waste are based on health and safety of the isotope.

Public Comment:

Mr. Paul Van Dam, former Attorney General, State of Utah, said it would be beneficial if the Task Force were to make policy statements about Utah's attitude regarding further involvement with hazardous waste, for we have done our part.

Mr. Jason Groenewold, HEAL/FAIR (Families Against Incinerator Risk), said the issue of whether or not hotter waste should be accepted in Utah, is a decision which should be made by the state.

Mr. Dan Shrum, Envirocare, said that Envirocare is a good facility to make use of in solving the storage problems associated with hazardous waste.

Mr. Zell McGee, Physicians for Social Responsibility, spoke against the proposed transfer of radioactive materials through Utah.

Mr. Rich Gregerson, citizen, spoke against acceptance of hotter waste in storage facilities in Utah.

Mr. Michael Cowley, citizen, spoke in opposition to acceptance of hotter waste in storage facilities in Utah.

MOTION: Rep. Urquhart moved to recommend to the legislature that any waste that is proposed in excess of currently permitted levels should receive legislative and gubernatorial approval before they are allowed to come into the state. The motion passed unanimously.

MOTION: Sen. Evans moved to make recommendation to the legislature that no other action be taken on radioactive or waste topics until this Task Force has completed its work. The motion passed unanimously.

MOTION: Sen. Arent moved that with input from the chairs in the finalization of the letter, that the draft she prepared and distributed be adopted as representing the position of the Task Force. The motion passed unanimously.

5. Task Force Discussion

Chair Bramble reviewed Task Force Actions for 2003.

MOTION: Rep. Johnson moved that the Task Force Actions for 2003 as revised be accepted for report to Executive Appropriations Committee and other appropriate committees. The motion passed unanimously.

6. Adjourn

MOTION: Sen. Evans moved to adjourn the meeting. The motion passed unanimously.

Chair Bramble adjourned the meeting at 1:10 p.m.